

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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RAFAEL M. PANTOJA,

Plaintiff,

- v -

BANCO POPULAR AND AMERICAN  
SECURITY INSURANCE COMPANY,

Defendants.  
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Case No. 11 Civ. 3636 (VLB)

ECF Case

**DEFENDANT AMERICAN SECURITY INSURANCE COMPANY'S  
NOTICE OF MOTION TO DISMISS THE SECOND AND THIRD  
CAUSES OF ACTION OF THE AMENDED COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendant American Security Insurance Company's Motion to Dismiss the Second and Third Causes of Action of the Amended Complaint, and all the papers filed and proceedings had herein, Defendant American Security Insurance Company, by and through undersigned counsel, will move before Honorable Vincent L. Briccetti, at the United States Courthouse, 300 Quarropas Street, Room 630, Courtroom 620, White Plains, New York, 10601, on a day and time to be set by the Court, for an order dismissing the Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(6), and to grant such other and further relief as the Court may deem just and proper.

Dated: New York, New York  
January 5, 2012

SULLIVAN & WORCESTER LLP

By: /s/ Andrew T. Solomon  
Andrew T. Solomon  
Karen E. Abravanel  
1290 Avenue of the Americas, 29<sup>th</sup> Floor  
New York, New York 10104  
Telephone: (212) 660-3000  
Facsimile: (212) 660-3001  
asolomon@sandw.com  
kabravanel@sandw.com

*Attorneys for Defendant American Security  
Insurance Company*

To: Rafael M. Pantoja  
Register No. 76012-053  
MDC Brooklyn  
Metropolitan Detention Center  
P.O. Box 329002  
Brooklyn, New York 11232  
*Plaintiff Pro Se*

John P. Doherty, Esq.  
Michael P. De Simone, Esq.  
Alston & Bird LLP  
90 Park Avenue  
New York, New York 10016  
*Attorneys for Defendant Banco Popular*

**CERTIFICATE OF SERVICE**

I certify that on January 5, 2012, I served a true and correct copy of Defendant American Security Insurance Company's Notice of Motion to Dismiss the Second and Third Causes of Action of the Amended Complaint:

(1) by the ECF system and U.S. mail upon:

Rafael M. Pantoja  
Register No. 76012-053  
MDC Brooklyn  
Metropolitan Detention Center  
P.O. Box 329002  
Brooklyn, New York 11232  
*Plaintiff Pro Se*

(2) by the ECF system upon:

John P. Doherty, Esq.  
Michael P. De Simone, Esq.  
Alston & Bird LLP  
90 Park Avenue  
New York, New York 10016  
*Attorneys for Defendant Banco Popular*

Dated: New York, New York  
January 5, 2012

/s/ Andrew T. Solomon  
Andrew T. Solomon